

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

JOCELYN TROELL, et. al.,

Plaintiffs,

vs.

BINANCE HOLDINGS LIMITED, et. al.,

Defendants.

Docket No. 1:24-cv-07136 (JSR)

**ORAL ARGUMENT
NOVEMBER 27, 2024 AT 2 PM**

**DECLARATION OF SAMSON A. ENZER IN SUPPORT OF
BINANCE HOLDINGS LIMITED'S MOTION TO DISMISS**

I, SAMSON A. ENZER, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. I am a member of the bars of the State of New York and this Court and a Partner at the law firm Cahill Gordon & Reindel LLP, counsel for Defendant Binance Holdings Limited (“BHL”) in the above-captioned action. I submit this declaration to place before the Court certain documents that are referenced in the accompanying Memorandum of Law in Support of BHL’s Motion to Dismiss the Complaint in this case.

2. Annexed hereto as Exhibit 1 is a true and correct copy of the Financial Crimes Enforcement Network (“FinCEN”) Consent Order between FinCEN and BHL, dated November 21, 2023, which is available at https://www.fincen.gov/sites/default/files/enforcement_action/2023-11-21/FinCEN_Consent_Order_2023-04_FINAL508.pdf. This Consent Order is referenced in the Complaint. (*See e.g.*, Compl. ¶¶ 4, 12, 197, 427, 450, 458).

3. Annexed hereto as Exhibit 2 is a true and correct copy of the U.S. Treasury Department’s Office of Foreign Assets Control (“OFAC”) Settlement Agreement between OFAC and BHL, dated November 21, 2023, which is available at <https://ofac.treasury.gov/system/files/>

2023-11/20231121_binance_settlement.pdf. The Settlement Agreement is referenced in the Complaint. (*See e.g.*, Compl. ¶¶ 4, 490).

4. Annexed hereto as Exhibit 3 is a true and correct copy of the Complaint, dated March 27, 2023, filed by the Commodity Futures Trading Commission in *Commodity Futures Trading Commission v. Changpeng Zhao, et al.*, No. 23 Civ. 01887 (N.D. Ill. 2023) (ECF No. 1), (the “CFTC Complaint”). The CFTC Complaint is referenced in the Complaint. (*See* Compl. ¶ 474).

5. Annexed hereto as Exhibit 4 is a true and correct copy of the Consent Order between the Commodity Futures Trading Commission and BHL, dated December 14, 2023, as ordered by the court in *Commodity Futures Trading Commission v. Changpeng Zhao, et al.*, No. 23 Civ. 01887, (N.D. Ill. 2023) (ECF No. 80), (the “CFTC Consent Order”). The CFTC Consent Order is referenced in the Complaint. (*See e.g.*, Compl. ¶¶ 4, 474).

6. Annexed hereto as Exhibit 5 is a true and correct copy of the Plea Agreement between the U.S. Department of Justice (“DOJ”) and BHL, dated November 21, 2023, and filed *United States v. Binance Holdings Limited*, No. 2:23 Cr. 00178 (W.D. Wash. 2023) (ECF No. 23), (the “BHL Plea Agreement”). The BHL Plea Agreement is referenced in the Complaint. (*See e.g.*, Compl. ¶¶ 4, 12, 304, 384, 478).

7. Annexed hereto as Exhibit 6 is a true and correct copy of the Information referenced in the BHL Plea Agreement, dated November 14, 2023, and filed in *United States v. Binance Holdings Limited*, No. 2:23 Cr. 00178 (W.D. Wash. 2023) (ECF No. 1), (the “BHL Information”). The BHL Information is referenced in the Complaint. (*See* Compl. ¶ 474).

8. Annexed hereto as Exhibit 7 is a true and correct copy of the Plea Agreement between the DOJ and Mr. Zhao, dated November 21, 2023, and filed in *United States v. Zhao*, No.

2:23 Cr. 00179 (W.D. Wash. 2023) (ECF No. 31), (the “Mr. Zhao Plea Agreement”). The Mr. Zhao Plea Agreement is referenced in the Complaint. (*See e.g.*, Compl. ¶¶ 4, 13, 304, 337, 384).

9. Annexed hereto as Exhibit 8 is a true and correct copy of the Information referenced in the Mr. Zhao Plea Agreement, dated November 14, 2023, and filed in *United States v. Zhao*, No. 2:23 Cr. 00179 (W.D. Wash. 2023) (ECF No. 1), (the “Mr. Zhao Information”). The Mr. Zhao Information is referenced in the Complaint. (*See* Compl. ¶ 474).

10. Annexed hereto as Exhibit 9 is a true and correct copy of the United Nations Security Council’s Resolution 2462 (2019), (the “2019 U.N. Security Council Resolution”), adopted March 28, 2019, which is available at <https://documents.un.org/doc/undoc/gen/n19/090/16/pdf/n1909016.pdf>. The 2019 U.N. Security Council Resolution is referenced in the Complaint. (*See* Compl. ¶ 216).

11. Annexed hereto as Exhibit 10 is a true and correct copy of the United Nations Office of Counter-Terrorism’s and the United Nations Interregional Crime and Justice Research Institute’s 2021 Report, “*Algorithms and Terrorism: The Malicious Use of Artificial Intelligence for Terrorist Purposes*,” (the “2021 U.N. Report”), which is available at <https://www.un.org/counterterrorism/sites/www.un.org.counterterrorism/files/malicious-use-of-ai-uncct-unicri-report-hd.pdf>. The 2021 U.N. Report is referenced in the Complaint. (*See* Compl. ¶ 217).

12. Annexed hereto as Exhibit 11 is a true and correct copy of the Financial Action Task Force’s July 2018 Report, “*FATF Report to the G20 Finance Ministers and Central Bank Governors*,” (the “2018 FATF Report”), which is available at <https://www.fatf-gafi.org/content/dam/fatf-gafi/reports/FATF-Report-G20-FM-CBG-July-2018.pdf>. The 2018 FATF Report is referenced in the Complaint. (*See* Compl. ¶ 218).

13. Annexed hereto as Exhibit 12 is a true and correct copy of the Financial Action Task Force's September 2020 Report, "*Virtual Assets Red Flag Indicators of Money Laundering and Terrorist Financing*," (the "September 2020 FATF Report"), which is available at <https://www.fatf-gafi.org/content/dam/fatf-gafi/reports/Virtual-Assets-Red-Flag-Indicators.pdf>. The September 2020 FATF Report is referenced in the Complaint. (See Compl. ¶ 219).

14. Annexed hereto as Exhibit 13 is a true and correct copy of the June 27, 2023 *Times of Israel* article, "*In first, Israel seizes crypto accounts linked to Iran's Quds Force, Hezbollah*," written by Emanuel Fabian, which is available at <https://www.timesofisrael.com/in-first-israel-seizes-crypto-accounts-linked-to-irans-quds-force-hezbollah/>. This article is referenced in the Complaint. (See Compl. ¶ 418).

Dated: November 1, 2024
New York, New York

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